

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTIAN STOKES,

Plaintiff,
- against -

08 Civ. 3667 (CM) (DFE)

RONALD LUSKER, MARILYN KOCHER LUSKER,
EBERT & ASSOCIATES, STEVEN EBERT, ESQ.,
ANDREWS BUILDING CORP., MALLEY GROUP,
ERIC MALLEY, 85-87 MERCER STREET
ASSOCIATES, INC.

NOTICE OF MOTION

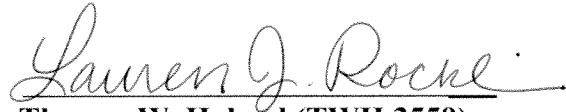
Defendants.

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PLEASE TAKE NOTICE that, upon the annexed declaration of Steven Ebert sworn to on July 10, 2008, the exhibit annexed thereto, and the accompanying Memorandum of Law In Support, the Defendants EBERT & ASSOCIATES and STEVEN EBERT, ESQ., hereby move this Court, before the Honorable Colleen McMahon, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, in Courtroom 21B, on a date and at a time to be determined by the Court, pursuant to the Individual Practices of Judge McMahon (the “Individual Practices”), Practice 2D and 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing each and every cause of action set forth within the First Amended Complaint as against movants, and seeking the costs and disbursements of this action together with such other and further relief as this Court deems just and proper. Alternatively, Ebert requests that this Court convert the instant motion to one for Rule 56 summary judgment and dismiss the complaint as against Ebert.

Pursuant to the Individual Practices, answering papers, if any are to be served two (2) weeks after receipt of the moving papers, and reply papers, if any, are to be served five (5) business days thereafter.

Dated: New York, New York
July 10, 2008



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